

THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A RESCHEDULED REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY, NOVEMBER 1, 2007 AT 7:30 P.M.

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:33 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Blevins, Mr. Messer, Mr. Zurschmiede and President Larry Kochert.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Mayor James Garner and Board of Works member Matt Denison

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the October 9th special meeting minutes, Mr. Crump second, all voted in favor.

Mr. Coffey moved to approve the October 18th work session minutes, Mr. Crump second, all voted in favor.

APPROVAL OF CF-1 FORMS:

Mrs. Crump requested a 10 minutes recess at 7:38 p.m.

The meeting was called back to order at 7:48 p.m.

COMMUNICATIONS – PUBLIC:

Lloyd Wimp, 1834 E. Spring, spoke in favor of G-07-15 for the new animal ordinance. He discussed instances where dangerous dogs have intimidated or attacked residents. He stated that the recent passage of a dangerous dog law in Louisville Kentucky has caused individuals to take responsibility for their animals.

Lloyd Elliott, 1912 E. Spring, discussed problems with stray cats in his neighborhood eating the fish out of his Koi pond and he has taken this to animal control with no results.

Mrs. Crump stated that she also has a Koi pond and is having the same issue.

Mr. Coffey stated that he would take this issue to Mr. Hall

Mark Cassidy, 106 Meade Drive, discussed the redistricting suit. He stated that the money for the plaintiff's attorney is a moot point and the City will end up paying for it no matter what happens. He agrees with whoever asked why the Plaintiff's didn't ask the council before they filed suit. He asked what the downside to them signing the agreement to drop the suit because he believes it would eliminate the money issues.

COMMUNICATIONS – CITY OFFICIALS:

Steve LaDuke presented a report from the Building Commission. He stated that they issued 5 more demolition orders at Daisy Medical at, 117 E. Oak Street, 1710 Monon Avenue, 640 W. 5th Street, 707 & 711 W. Spring Street. He stated that Daisy Medical has been purchased by Keystone Restorations and work on the building has already started and the site has been secured so it is no longer a public safety issue. He reported that the 1710 Monon and 640 W. 5th came in and applied for demo permits and the owners have agreed to take the buildings down themselves. He believes the 1710 building is already down and that the 640 building should be down at any time. He explained that the owner of 707 & 711 Spring Street has entered into negotiations with Habitat for Humanity and they are looking at these two locations as their first renovation projects.

Mr. Zurschmiede asked if there was a deadline on the 707 and 711 negotiations.

Mr. LaDuke stated that they set a deadline of 30 days and by the next Building Commission meeting they should have word on it.

Mr. Kochert asked David Hall to approach and discuss the dog and cat issues in the city. He discussed a number of pit bulls that he has seen in his neighborhood.

Mr. Hall asked Mr. Kochert if he realized that it is okay to own that breed of dog in the City but they do have to be under the owner's control. He explained that people have invested a lot of money in invisible fences and they feel like they can leave the animal unattended because it is contained to their property without chains or fences and he stated that the new ordinance will address some of these issues. He explained that they can't physically catch a stray cat so they use what is called a "stay alive" trap to catch them and explained the problems with catching them and not being able to retrieve them from the traps quickly enough.

Mr. Gahan asked Mr. Hall to summarize the new ordinance.

Mr. Hall explained that the old ordinance was a hodge podge of two different ordinances and he also would like to make the City ordinance as close to the county ordinance as possible since they are a metro department. He explained that this ordinance sets fees for their services so that relieves budget pressures and brings nuisance back into the foreground so that these things can be back under the control of the Animal Control Department.

COMMUNICATIONS – MAYOR:

COMMITTEE REPORTS:

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-07-39	Common Council of the City of New Albany Resolution Relating to the Settlement of Litigation Pending Against the Civil City of New Albany And the Common Council Thereof	Messer
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Mr. Messer moved for the reading of R-07-39, Mr. Zurschmiede second, the resolution did not pass with six nay votes from Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Blevins, Mr. Gahan and Mr. Kochert, and three aye votes from Mrs. Crump, Mr. Messer and Mr. Zurschmiede.

Mrs. Crump asked Mr. Messer if there is a definite figure for Mr. Beardsley's fee.

Mr. Messer stated he does not have a definite fee but he believes that it will be less than the \$5,000.

Mrs. Crump asked if this would make this lawsuit go away, because she is concerned about the amount of money that is being spent not just on the Plaintiff's attorney but also on theirs.

Mr. Zurschmiede asked Mr. Ulrich if this would definitely stop the lawsuit.

Mr. Ulrich stated yes, but explained that according to the last paragraph of the consent decree this is still under the jurisdiction of the court but everything up until this point has had the same wording in it and essentially says that the Council will do what it says it is going to do or the court shall take jurisdiction.

Mrs. Crump stated that the people that have filed this lawsuit have signed off on this stating that they will go through with it and wants to know if there would be any reason for them not to vote for this.

Mr. Ulrich stated that he doesn't see any reason other than everyone hasn't signed off on it but it does have Mr. Beardsley's signature on it and that is enough for him.

G-07-15	An Ordinance to Replace Chapter 91: Animals In the Code of Ordinances of New Albany, Indiana	Coffey 1
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Mr. Coffey moved for the first reading of G-07-15, Mrs. Crump second, all voted in favor

Mr. Coffey stated that he would like to ask for three readings this evening.

Mr. Gahan asked if there was some urgency for having three readings because he hasn't had a lot of time to spend on this ordinance.

Mr. Coffey explained that they are having problems with dog fighting in the city and he knows of situations where individuals have had their dogs killed in there yards and the City could do nothing about it. He stated that the one proposed tonight is by far better than the one that is currently in effect.

Mr. Blevins stated that he also knew of an instance where a lady that lives on Ealy Street had her smaller dog killed by another dog in her neighborhood.

Mrs. Crump asked Mr. Messer if he knows of dog fighting arrests in New Albany because there has not been any indication as far as she knows of that this is becoming a problem.

Mr. Messer stated that he is not aware of any.

Mr. Hall stated that they do not have fighting to his knowledge within the City as far as something organized fights but explained that the City is a part of a circuit with Portland and Harrison County and whenever there is large investigation regarding dog fighting the animals are being transferred from community to community to avoid prosecution.

Mr. Zurschmiede asked Mr. Hall if he needs to have the three readings.

Mr. Hall stated that he is honored that Mr. Coffey wants to get it under way and yes the sooner the better but if they need to take the time to look at it then he would really rather that they were allowed that opportunity so that they are comfortable with it. He stated that if any of them have any questions for him about the ordinance or anything else please feel free to contact him because he would be more than happy to discuss any issues.

Z-07-20	An Ordinance for the Vacation of a Public Way Pursuant to a Petition Filed by Old Pike Storage, LLC	Zurschmiede1
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Mr. Zurschmiede moved for the first reading of Z-07-20, Mr. Coffey second, all voted in favor.

A-07-29	An Ordinance Amending Ordinance No. A-06-38 Setting Salaries for the Year 2007 for Non- Bargaining Unit Employees	Gahan 2&3
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Mr. Gahan moved for the second and third reading of A-07-29, Mr. Zurschmiede second, all voted in favor. Bill A-07-29 became Ordinance A-07-48.

G-07-14 Common Council of the City of New Albany an Price 2&3
Ordinance Dividing the City Into Six Districts
Pursuant to the Provisions of I.C. 36-4-6-3

Mr. Price moved for the second and third reading of G-07-14, Mr. Schmidt second, the bill passed with a vote of 7 ayes and 2 nays from Mr. Messer and Mr. Zurschmiede. Bill G-07-14 became Ordinance G-07-49.

Mrs. Crump asked that as far as they are concerned this is settled with the Judge.

Mr. Ulrich explained that they had a conference call with the Judge and explained that they had told him the council had approved the Consent Decree and taken the first steps to resolve this.

Mr. Messer asked if it will make the lawsuit go away.

Mr. Ulrich stated that they have asked for redistricting and the council has done so. He believed they have met their obligation.

Z-07-19 Ordinance Amending the Code of Ordinances of New Zurschmiede2&3
Albany, Indiana, Title XV, Chapter 156 (Docket
P-16-07 – Scott Hannah (Chaudry))

Mr. Zurschmiede moved for the second and third reading of Z-07-19, Mr. Price second, all voted in favor. Bill Z-07-19 became Ordinance Z-07-50.

MISCELLANEOUS COMMUNICATIONS: (public comments on non-agenda items)

ADJOURN:

There being no further business to be heard, the meeting adjourned at 8:55 p.m.

Larry Kochert, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk